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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR05-156-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 RICHARD RAY FREDBERG,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on October 19, 2009. The United States was represented by AUSA James M. Lord and the
16 defendant by Roger A. Hunko. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about August 17, 2005 by the Honorable Marsha J.
18 Pechman on a charge of Conspiracy to Distribute Cocaine, and sentenced to 40 months custody,
19 3 years supervised release. (Dkt. 16.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant cooperate in the collection of DNA, be prohibited from possessing
22 a firearm, submit to drug testing, participate in drug treatment, abstain from alcohol, submit to

01 search and provide his probation officer with access to financial information.

02 On May 21, 2008, defendant's probation officer reported that defendant had violated the
03 conditions of supervision by using percocet and morphine. Defendant was reprimanded, testing
04 was increased in frequency, and he was referred to a relapse prevention program. (Dkt. 18.)

05 On November 21, 2008, defendant admitted violating the conditions of supervision by
06 using percocet, using morphine, using marijuana, frequenting places where a controlled substance
07 is sold, failing to follow the instruction of the probation officer, using cocaine and failing to
08 participate in a substance abuse treatment program. Defendant was sentenced to 45 days in
09 custody, 33 months supervised release. Defendant was required to reside in a residential re-entry
10 center for up to 90 days upon release from custody. (Dkt. 35.) On July 17, 2009, defendant was
11 ordered to reside in a residential re-entry center for up to 90 days following a positive urinalysis
12 sample for marijuana. (Dkt. 36.)

13 In an application dated October 1, 2009 (Dkt. 37, 38), U.S. Probation Officer Steven R.
14 Gregoryk alleged the following violations of the conditions of supervised release:

15 1. Using codeine on or before September 15, 2009, in violation of standard condition
16 No. 7.

17 2. Using morphine on or before September 15, 2009, in violation of standard
18 condition No. 7.

19 3. Failing to participate in the electronic home confinement program, in violation of
20 the supervised release modification order dated September 3, 2009.

21 Defendant was advised in full as to those charges and as to his constitutional rights.

22 Defendant admitted the alleged violations and waived any evidentiary hearing as to

01 whether they occurred. (Dkt. 44.)

02 I therefore recommend the Court find defendant violated his supervised release as
03 alleged, and that the Court conduct a hearing limited to the issue of disposition. The next
04 hearing will be set before Judge Pechman.

05 Pending a final determination by the Court, defendant has been detained.

06 DATED this 19th day of October, 2009.

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08 Mary Alice Theiler
09 United States Magistrate Judge

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11 cc: District Judge: Honorable Marsha J. Pechman
12 AUSA: James M. Lord
13 Defendant's attorney: Roger A. Hunko
14 Probation officer: Steven R. Gregoryk
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